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7

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
11

12 NAOMI BEAURMAN-WHITE, et al.,

13 Plaintiffs,

14 v.

15 GENERAL ELECTRIC COMPANY, et  
16 al.,

17 Defendants.

CASE NO. CV 08-0230 EDL

**GENERAL ELECTRIC COMPANY'S  
ANSWER TO COMPLAINT FOR  
SURVIVAL, WRONGFUL DEATH --  
ASBESTOS;**

**DEMAND FOR JURY TRIAL;**

**CERTIFICATION OF INTERESTED  
ENTITIES**

18  
19 Defendant GENERAL ELECTRIC COMPANY ("GE") hereby answers the Complaint  
20 For Survival, Loss Of Consortium, Wrongful Death (Asbestos), filed by plaintiffs ("Plaintiffs")  
21 on January 14, 2008, as follows:

22 1. To the extent that paragraph 1 of the complaint consists of allegations of fact as to  
23 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
24 allegations of paragraph 1, and on such basis the allegations are denied. To the extent that  
25 paragraph 1 of the complaint consists of allegations of fact as to Plaintiffs' decedents, GE lacks  
26 sufficient knowledge or information to form a belief as to the truth of the allegations of  
27 paragraph 1, and on such basis the allegations are denied.

28 2. To the extent that paragraph 2 of the complaint consists of allegations of fact as to

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1 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
2 truth of the allegations of paragraph 2, and on such basis the allegations are denied.

3 3. To the extent that paragraph 3 of the complaint consists of allegations of fact as to  
4 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
5 allegations of paragraph 3, and on such basis the allegations are denied.

6 4. To the extent that paragraph 4 of the complaint consists of allegations of fact as to  
7 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
8 truth of the allegations of paragraph 4, and on such basis the allegations are denied. To the  
9 extent that paragraph 4 of the complaint consists of allegations of fact as to other defendants, GE  
10 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
11 paragraph 4, and on such basis the allegations are denied. To the extent that paragraph 4 of the  
12 complaint consists of allegations of fact as to GE, GE denies such allegations.

13 5. To the extent that paragraph 5 of the complaint consists of allegations of fact as to  
14 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
15 truth of the allegations of paragraph 5, and on such basis the allegations are denied. To the  
16 extent that paragraph 5 of the complaint consists of allegations of fact as to other defendants, GE  
17 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
18 paragraph 5, and on such basis the allegations are denied. To the extent that paragraph 5 of the  
19 complaint consists of allegations of fact as to GE, GE denies such allegations.

20 6. To the extent that paragraph 6 of the complaint consists of allegations of fact as to  
21 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
22 allegations of paragraph 6, and on such basis the allegations are denied. To the extent that  
23 paragraph 6 of the complaint consists of allegations of fact as to other defendants, GE lacks  
24 sufficient knowledge or information to form a belief as to the truth of the allegations of  
25 paragraph 6, and on such basis the allegations are denied. GE denies the allegation that each  
26 plaintiff claims damages for an asbestos-related disease arising from an identical series of  
27 occurrences. GE denies the allegation that each and every allegation of each plaintiff regarding

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1 the nature of their decedents' asbestos-related diseases, the nature of asbestos, the propensity of  
2 asbestos to cause disease, and the criteria for diagnosis of disease are all identical.

3 7. To the extent that paragraph 7 of the complaint consists of conclusions of law, GE  
4 is not required to respond to it. To the extent that paragraph 7 of the complaint consists of  
5 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
6 belief as to the truth of the allegations of paragraph 7, and on such basis the allegations are  
7 denied.

8 8. To the extent that paragraph 8 of the complaint consists of conclusions of law, GE  
9 is not required to respond to it. To the extent that paragraph 8 of the complaint consists of  
10 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
11 belief as to the truth of the allegations of paragraph 8, and on such basis the allegations are  
12 denied.

13 9. To the extent that paragraph 9 of the complaint consists of allegations of fact as to  
14 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
15 allegations of paragraph 9, and on such basis the allegations are denied. To the extent that  
16 paragraph 9 of the complaint consists of allegations of fact as to other defendants, GE lacks  
17 sufficient knowledge or information to form a belief as to the truth of the allegations of  
18 paragraph 9, and on such basis the allegations are denied. GE denies that it is a corporation  
19 incorporated under the laws of Connecticut. GE admits that its principal place of business is in  
20 Connecticut. GE lacks sufficient knowledge or information to form a belief as to the truth of the  
21 allegation that this court has original jurisdiction under 25 USC § 1332, and on such basis the  
22 allegation is denied.

23 10. To the extent that paragraph 10 of the complaint consists of conclusions of law,  
24 GE is not required to respond to it. To the extent that paragraph 10 of the complaint consists of  
25 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
26 belief as to the truth of the allegations of paragraph 10, and on such basis the allegations are  
27 denied. To the extent that paragraph 10 of the complaint consists of allegations of fact as to  
28 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the

1 allegations of paragraph 10, and on such basis the allegations are denied. GE lacks sufficient  
2 knowledge or information to form a belief as to the truth of Plaintiffs' allegation that the  
3 Northern District of California is the proper venue for this case, and on such basis the allegation  
4 is denied.

5 11. To the extent that paragraph 11 of the complaint consists of conclusions of law,  
6 GE is not required to respond to it. To the extent that paragraph 11 of the complaint consists of  
7 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
8 belief as to the truth of the allegations of paragraph 11, and on such basis the allegations are  
9 denied. To the extent that paragraph 11 of the complaint consists of allegations of fact as to  
10 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
11 allegations of paragraph 11, and on such basis the allegations are denied. To the extent that  
12 paragraph 11 of the complaint consists of allegations of fact as to GE, GE lacks sufficient  
13 knowledge or information to form a belief as to the truth of the allegations of paragraph 11, and  
14 on such basis the allegations are denied.

15 12. To the extent that paragraph 12 of the complaint consists of allegations of fact as  
16 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
17 of the allegations of paragraph 12, and on such basis the allegations are denied. GE admits that,  
18 in the past, it manufactured, distributed, supplied and sold certain products which contained  
19 some quantity of asbestos and/or had component parts which may have contained some quantity  
20 of asbestos, during a time period which may or may not be relevant to this case. Except to the  
21 extent admitted, GE denies all other allegations of fact as to GE in paragraph 12 of the  
22 complaint.

23 13. To the extent that paragraph 13 of the complaint consists of conclusions of law,  
24 GE is not required to respond to it. To the extent that paragraph 13 of the complaint consists of  
25 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
26 belief as to the truth of the allegations of paragraph 13, and on such basis the allegations are  
27 denied. To the extent that paragraph 13 of the complaint consists of allegations of fact as to  
28 Plaintiffs, GE lacks sufficient knowledge or information to form a belief as to the truth of the

1 allegations of paragraph 13, and on such basis the allegations are denied. To the extent that  
2 paragraph 13 of the complaint consists of allegations of fact as to GE, GE denies such  
3 allegations.

4 14. To the extent that paragraph 14 of the complaint consists of conclusions of law,  
5 GE is not required to respond to it. To the extent that paragraph 14 of the complaint consists of  
6 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
7 belief as to the truth of the allegations of paragraph 14, and on such basis the allegations are  
8 denied. To the extent that paragraph 14 of the complaint consists of allegations of fact as to GE,  
9 GE denies such allegations.

10 15. To the extent that paragraph 15 of the complaint consists of allegations of fact as  
11 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
12 of the allegations of paragraph 15, and on such basis the allegations are denied. To the extent  
13 that paragraph 15 of the complaint consists of allegations of fact as to Plaintiffs, GE lacks  
14 sufficient knowledge or information to form a belief as to the truth of the allegations of  
15 paragraph 15, and on such basis the allegations are denied. To the extent that paragraph 15 of the  
16 complaint consists of allegations of fact as to GE, GE denies such allegations.

17 16. To the extent that paragraph 16 of the complaint consists of conclusions of law,  
18 GE is not required to respond to it. To the extent that paragraph 16 of the complaint consists of  
19 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
20 belief as to the truth of the allegations of paragraph 16, and on such basis the allegations are  
21 denied. To the extent that paragraph 16 of the complaint consists of allegations of fact as to  
22 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
23 truth of the allegations of paragraph 16, and on such basis the allegations are denied. To the  
24 extent that paragraph 16 of the complaint consists of allegations of fact as to GE, GE denies such  
25 allegations.

26 17. To the extent that paragraph 17 of the complaint consists of allegations of fact as  
27 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
28 of the allegations of paragraph 17, and on such basis the allegations are denied. To the extent

1 that paragraph 17 of the complaint consists of allegations of fact as to Plaintiffs' decedents, GE  
2 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
3 paragraph 17, and on such basis the allegations are denied. To the extent that paragraph 17 of the  
4 complaint consists of allegations of fact as to GE, GE denies such allegations.

5 18. GE admits that, over time, inhalation or ingestion of asbestos fibers can cause  
6 lung disease and cancer. Except to the extent admitted, GE denies all allegations of paragraph  
7 18.

8 19. To the extent that paragraph 19 of the complaint consists of allegations of fact as  
9 to Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
10 truth of the allegations of paragraph 19, and on such basis the allegations are denied.

11 20. To the extent that paragraph 20 of the complaint consists of conclusions of law,  
12 GE is not required to respond to it. To the extent that paragraph 20 of the complaint consists of  
13 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
14 belief as to the truth of the allegations of paragraph 20, and on such basis the allegations are  
15 denied. To the extent that paragraph 20 of the complaint consists of allegations of fact as to  
16 Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a  
17 belief as to the truth of the allegations of paragraph 20, and on such basis the allegations are  
18 denied. To the extent that paragraph 20 of the complaint consists of allegations of fact as to GE,  
19 GE denies such allegations.

20 21. To the extent that paragraph 21 of the complaint consists of conclusions of law,  
21 GE is not required to respond to it. To the extent that paragraph 21 of the complaint consists of  
22 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
23 belief as to the truth of the allegations of paragraph 21, and on such basis the allegations are  
24 denied. To the extent that paragraph 21 of the complaint consists of allegations of fact as to  
25 Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a  
26 belief as to the truth of the allegations of paragraph 21, and on such basis the allegations are  
27 denied. To the extent that paragraph 21 of the complaint consists of allegations of fact as to GE,  
28 GE denies such allegations.

1           22. To the extent that paragraph 22 of the complaint consists of conclusions of law,  
2 GE is not required to respond to it. To the extent that paragraph 22 of the complaint consists of  
3 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
4 belief as to the truth of the allegations of paragraph 22, and on such basis the allegations are  
5 denied. To the extent that paragraph 22 of the complaint consists of allegations of fact as to  
6 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
7 truth of the allegations of paragraph 22, and on such basis the allegations are denied. To the  
8 extent that paragraph 22 of the complaint consists of allegations of fact as to GE, GE denies such  
9 allegations.

10           23. To the extent that paragraph 23 of the complaint consists of conclusions of law,  
11 GE is not required to respond to it. To the extent that paragraph 23 of the complaint consists of  
12 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
13 belief as to the truth of the allegations of paragraph 23, and on such basis the allegations are  
14 denied. To the extent that paragraph 23 of the complaint consists of allegations of fact as to  
15 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the  
16 truth of the allegations of paragraph 23, and on such basis the allegations are denied. To the  
17 extent that paragraph 23 of the complaint consists of allegations of fact as to GE, GE denies such  
18 allegations.

19           24. To the extent that paragraph 24 of the complaint consists of allegations of fact as  
20 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
21 of the allegations of paragraph 24, and on such basis the allegations are denied. To the extent  
22 that paragraph 24 of the complaint consists of allegations of fact as to Plaintiffs' decedents, GE  
23 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
24 paragraph 24, and on such basis the allegations are denied. To the extent that paragraph 24 of the  
25 complaint consists of allegations of fact as to GE, GE denies such allegations.

26           25. To the extent that paragraph 25 of the complaint consists of conclusions of law,  
27 GE is not required to respond to it. To the extent that paragraph 25 of the complaint consists of  
28 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a

1 belief as to the truth of the allegations of paragraph 25, and on such basis the allegations are  
2 denied. To the extent that paragraph 25 of the complaint consists of allegations of fact as to GE,  
3 GE denies such allegations.

4 26. To the extent that paragraph 26 of the complaint consists of conclusions of law,  
5 GE is not required to respond to it. To the extent that paragraph 26 of the complaint consists of  
6 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
7 belief as to the truth of the allegations of paragraph 26, and on such basis the allegations are  
8 denied. To the extent that paragraph 26 of the complaint consists of allegations of fact as to GE,  
9 GE denies such allegations.

10 27. To the extent that paragraph 27 of the complaint consists of conclusions of law,  
11 GE is not required to respond to it. To the extent that paragraph 27 of the complaint consists of  
12 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
13 belief as to the truth of the allegations of paragraph 27, and on such basis the allegations are  
14 denied. To the extent that paragraph 27 of the complaint consists of allegations of fact as to GE,  
15 GE denies such allegations.

16 28. GE incorporates by reference as though fully set forth herein paragraphs 1 through  
17 27 of this Answer.

18 29. To the extent that paragraph 29 of the complaint consists of allegations of fact as  
19 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
20 of the allegations of paragraph 29, and on such basis the allegations are denied. To the extent  
21 that paragraph 29 of the complaint consists of allegations of fact as to GE, GE denies such  
22 allegations.

23 30. To the extent that paragraph 30 of the complaint consists of conclusions of law,  
24 GE is not required to respond to it. To the extent that paragraph 30 of the complaint consists of  
25 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
26 belief as to the truth of the allegations of paragraph 30, and on such basis the allegations are  
27 denied. To the extent that paragraph 30 of the complaint consists of allegations of fact as to  
28 Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a belief as to the

1 truth of the allegations of paragraph 30, and on such basis the allegations are denied. To the  
2 extent that paragraph 30 of the complaint consists of allegations of fact as to GE, GE denies such  
3 allegations.

4 31. To the extent that paragraph 31 of the complaint consists of allegations of fact as  
5 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
6 of the allegations of paragraph 31, and on such basis the allegations are denied. To the extent  
7 that paragraph 30 of the complaint consists of allegations of fact as to Plaintiffs' decedents, GE  
8 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
9 paragraph 31, and on such basis the allegations are denied. To the extent that paragraph 31 of the  
10 complaint consists of allegations of fact as to GE, GE denies such allegations. GE lacks  
11 sufficient knowledge or information to respond to the allegation that exposed persons did not  
12 know of the substantial danger of using said products and, on that basis, denies it.

13 32. To the extent that paragraph 32 of the complaint consists of allegations of fact as  
14 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
15 of the allegations of paragraph 32, and on such basis the allegations are denied. To the extent  
16 that paragraph 32 of the complaint consists of allegations of fact as to GE, GE denies such  
17 allegations.

18 33. To the extent that paragraph 33 of the complaint consists of allegations of fact as  
19 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
20 of the allegations of paragraph 33, and on such basis the allegations are denied. To the extent  
21 that paragraph 33 of the complaint consists of allegations of fact as to GE, GE denies such  
22 allegations.

23 34. To the extent that paragraph 34 of the complaint consists of allegations of fact as  
24 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
25 of the allegations of paragraph 34, and on such basis the allegations are denied. To the extent  
26 that paragraph 34 of the complaint consists of allegations of fact as to GE, GE denies such  
27 allegations.

28 35. To the extent that paragraph 35 of the complaint consists of allegations of fact as

1 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
2 of the allegations of paragraph 35, and on such basis the allegations are denied. To the extent  
3 that paragraph 35 of the complaint consists of allegations of fact as to Plaintiffs' decedents, GE  
4 lacks sufficient knowledge or information to form a belief as to the truth of the allegations of  
5 paragraph 35, and on such basis the allegations are denied. To the extent that paragraph 35 of the  
6 complaint consists of allegations of fact as to GE, GE denies such allegations.

7 36. To the extent that paragraph 36 of the complaint consists of conclusions of law,  
8 GE is not required to respond to it. To the extent that paragraph 36 of the complaint consists of  
9 allegations of fact as to other defendants, GE lacks sufficient knowledge or information to form a  
10 belief as to the truth of the allegations of paragraph 36, and on such basis the allegations are  
11 denied. To the extent that paragraph 36 of the complaint consists of allegations of fact as to GE,  
12 GE denies such allegations.

13 37. To the extent that paragraph 37 of the complaint consists of allegations of fact as  
14 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
15 of the allegations of paragraph 37, and on such basis the allegations are denied. To the extent  
16 that paragraph 37 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'  
17 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
18 allegations of paragraph 37, and on such basis the allegations are denied. To the extent that  
19 paragraph 37 of the complaint consists of allegations of fact as to GE, GE denies such  
20 allegations.

21 38. To the extent that paragraph 38 of the complaint consists of allegations of fact as  
22 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
23 of the allegations of paragraph 38, and on such basis the allegations are denied. To the extent  
24 that paragraph 38 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'  
25 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
26 allegations of paragraph 38, and on such basis the allegations are denied. To the extent that  
27 paragraph 38 of the complaint consists of allegations of fact as to GE, GE denies such  
28 allegations.

1           39.     GE incorporates by reference as though fully set forth herein paragraphs 1 through  
2 38 of this Answer.

3           40.     To the extent that paragraph 40 of the complaint consists of conclusions of law,  
4 GE is not required to respond to it. To the extent that paragraph 40 of the complaint consists of  
5 allegations of fact as to Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or  
6 information to form a belief as to the truth of the allegations of paragraph 40, and on such basis  
7 the allegations are denied.

8           41.     To the extent that paragraph 41 of the complaint consists of conclusions of law,  
9 GE is not required to respond to it. To the extent that paragraph 41 of the complaint consists of  
10 allegations of fact as to Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or  
11 information to form a belief as to the truth of the allegations of paragraph 41, and on such basis  
12 the allegations are denied.

13           42.     To the extent that paragraph 42 of the complaint consists of allegations of fact as  
14 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
15 of the allegations of paragraph 42, and on such basis the allegations are denied. To the extent  
16 that paragraph 42 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'  
17 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
18 allegations of paragraph 42, and on such basis the allegations are denied. To the extent that  
19 paragraph 42 of the complaint consists of allegations of fact as to GE, GE denies such  
20 allegations.

21           43.     To the extent that paragraph 43 of the complaint consists of allegations of fact as  
22 to Plaintiffs and/or Plaintiffs' decedents, GE lacks sufficient knowledge or information to form a  
23 belief as to the truth of the allegations of paragraph 43, and on such basis the allegations are  
24 denied.

25           44.     To the extent that paragraph 44 of the complaint consists of allegations of fact as  
26 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
27 of the allegations of paragraph 44, and on such basis the allegations are denied. To the extent  
28 that paragraph 44 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'

1 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
2 allegations of paragraph 44, and on such basis the allegations are denied. To the extent that  
3 paragraph 44 of the complaint consists of allegations of fact as to GE, GE denies such  
4 allegations.

5 45. To the extent that paragraph 45 of the complaint consists of allegations of fact as  
6 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
7 of the allegations of paragraph 45, and on such basis the allegations are denied. To the extent  
8 that paragraph 45 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'  
9 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
10 allegations of paragraph 45, and on such basis the allegations are denied. To the extent that  
11 paragraph 45 of the complaint consists of allegations of fact as to GE, GE denies such  
12 allegations.

13 46. GE incorporates by reference as though fully set forth herein paragraphs 1 through  
14 45 of this Answer.

15 47. To the extent that paragraph 47 of the complaint consists of allegations of fact as  
16 to other defendants, GE lacks sufficient knowledge or information to form a belief as to the truth  
17 of the allegations of paragraph 47, and on such basis the allegations are denied. To the extent  
18 that paragraph 47 of the complaint consists of allegations of fact as to Plaintiffs and/or Plaintiffs'  
19 decedents, GE lacks sufficient knowledge or information to form a belief as to the truth of the  
20 allegations of paragraph 47, and on such basis the allegations are denied. To the extent that  
21 paragraph 47 of the complaint consists of allegations of fact as to GE, GE denies such  
22 allegations.

### 23 **RESPONSE TO PLAINTIFFS' PRAYER**

24 GE further denies that Plaintiffs are entitled to any damages to the extent Plaintiffs seek  
25 damages from GE and denies that Plaintiffs are entitled to any relief from GE to the extent  
26 Plaintiffs seek any relief from GE. Further answering, GE lacks information or knowledge  
27 sufficient to respond to each and every allegation in Plaintiffs' prayer for judgment and, on that  
28 basis, denies them.

**SEPARATE AND ADDITIONAL AFFIRMATIVE DEFENSES**

By alleging the Separate and Additional Affirmative Defenses set forth below, GE is not in any way agreeing or conceding that it has the burden of proof or burden of persuasion on any of these issues.

**FIRST AFFIRMATIVE DEFENSE**

48. GE alleges that said complaint and each cause of action therein fails to state facts sufficient to constitute a cause of action against GE.

**SECOND AFFIRMATIVE DEFENSE**

49. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by the applicable statutes of limitations, including, but not limited to, the provisions of Code of Civil Procedure Sections 335.1, 338, 340.2 and 361.

**THIRD AFFIRMATIVE DEFENSE**

50. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred in whole or in part by the equitable doctrines of waiver, estoppel, and laches.

**FOURTH AFFIRMATIVE DEFENSE**

51. GE alleges that Plaintiffs' decedents, ROBERT L. WHITE, DANIEL K. CAMPBELL, and JOSEPH KOTARSKY ("Decedents") and others were negligent or otherwise at fault in and about the matters referred to in said complaint, and that such negligence and/or other fault bars or diminishes Plaintiffs' recovery against GE.

**FIFTH AFFIRMATIVE DEFENSE**

52. GE alleges that Decedents were solely negligent in and about the matters alleged in said complaint and that such negligence on the part of Decedents was the sole proximate cause of the injuries and damages complained of by Plaintiffs, if any there were.

**SIXTH AFFIRMATIVE DEFENSE**

53. GE alleges that Decedents assumed the risk of the matters referred to in said complaint, that Decedents knew and appreciated the nature of the risk, and that Decedents voluntarily accepted the risk.

**SEVENTH AFFIRMATIVE DEFENSE**

54. GE is informed and believes and thereon alleges that Decedents misused and abused the products referred to in said complaint, and failed to follow instructions, and that such misuse, abuse and failure to follow instructions on the part of Decedents proximately caused and contributed to the injuries and damages complained of in said complaint, if any there were.

**EIGHTH AFFIRMATIVE DEFENSE**

55. GE alleges that if Decedents sustained injuries attributable to the use of any product manufactured, supplied, or distributed by GE, which allegations are expressly denied, the injuries were solely caused by and attributable to the unreasonable, unforeseeable, and inappropriate purpose and improper use which was made of the product.

**NINTH AFFIRMATIVE DEFENSE**

56. GE alleges that if there was any negligence proximately causing the injuries or damages sustained by Plaintiffs, if any, such negligence, if any, was solely that of the defendants, persons, firms, or entities other than GE.

**TENTH AFFIRMATIVE DEFENSE**

57. GE alleges that there is no privity between Plaintiffs or Decedents and GE.

**ELEVENTH AFFIRMATIVE DEFENSE**

58. GE alleges that it gave no warranties, either express or implied, to Decedents and that neither Decedents nor others ever notified GE of any claims of breach of warranty, if any there were.

**TWELFTH AFFIRMATIVE DEFENSE**

59. GE alleges that said complaint and each cause of action therein is barred with respect to this answering defendant by the provisions of the Workers' Compensation Act, including but not limited to Sections 3600, 3601, and 5300 of the Labor Code of the State of California.

**THIRTEENTH AFFIRMATIVE DEFENSE**

60. GE alleges that if there was any negligence proximately causing the injuries or

1 damages, if any, sustained by Decedents, such negligence, if any, is collateral negligence, as that  
2 term is used and defined in Restatement 2d Torts, Section 426 and derivative authority.

### 3 **FOURTEENTH AFFIRMATIVE DEFENSE**

4 61. GE alleges that at the time of the matters referred to in the complaint, Decedents  
5 were employed by employers other than GE and were entitled to and received workers'  
6 compensation benefits from their employers; and that if there was any negligence proximately  
7 causing the injuries and damages sustained by Plaintiffs, if any, such negligence, if any, was that  
8 of Decedents' employers.

### 9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 62. GE alleges that Plaintiffs' claims, and each of them, and this action, are  
11 preempted by federal statutes and regulations governing work place exposure to asbestos.

### 12 **SIXTEENTH AFFIRMATIVE DEFENSE**

13 63. GE alleges that the products referred to in said complaint, if manufactured by GE  
14 at all, were manufactured in strict compliance with United States government specifications, and  
15 that the hazards associated with use of the products, if any, were known equally to the  
16 government and GE. Boyle v. United Technologies Corp., 487 U.S. 500 (1988).

### 17 **SEVENTEENTH AFFIRMATIVE DEFENSE**

18 64. GE alleges that to the extent said complaint purports to state a cause of action or  
19 basis for recovery under Sindell v. Abbott Laboratories (1990) 26 Cal. 3d 588, it is barred by  
20 Plaintiffs' failure to join as defendants the manufacturers of a substantial share of the asbestos  
21 products market, to which asbestos products Decedents were allegedly exposed, thereby causing  
22 the damages alleged; and, should it prove impossible to identify the manufacturer of the product  
23 that allegedly injured Decedents, said purported claim or cause of action is barred by the fault of  
24 Plaintiffs and their agents in making identification of the manufacturer impossible.

### 25 **EIGHTEENTH AFFIRMATIVE DEFENSE**

26 65. GE alleges that, to the extent said complaint purports to state a cause of action or  
27 basis for recovery upon lack of identification of the manufacturer of the alleged injury-causing  
28 product, it fails to state facts sufficient to constitute a cause of action in that Plaintiffs have

1 asserted claims for relief which, if allowed, would contravene GE's constitutional rights to  
2 substantive due process of law, as preserved by the Fourteenth Amendment to the Constitution of  
3 the United States and by Article I, Section 7 of the Constitution of the State of California.

4 **NINETEENTH AFFIRMATIVE DEFENSE**

5 66. GE alleges that said complaint, to the extent that it seeks exemplary or punitive  
6 damages pursuant to California Civil Code Section 3294, violates GE's right to procedural due  
7 process under the Fourteenth Amendment of the United States Constitution, and Article I,  
8 Section 7 of the Constitution of the State of California, and therefore fails to state a cause of  
9 action upon which either punitive or exemplary damages can be awarded.

10 **TWENTIETH AFFIRMATIVE DEFENSE**

11 67. GE alleges that said complaint, to the extent that it seeks punitive or exemplary  
12 damages pursuant to California Civil Code Section 3294, violates GE's right to protection from  
13 "excessive fines" as provided in the Eighth Amendment of the United States Constitution and  
14 Article I, Section 17 of the Constitution of the State of California, and violates GE's right to  
15 substantive due process as provided in the Fifth and Fourteenth Amendments of the United States  
16 Constitution and the Constitution of the State of California, and therefore fails to state a cause of  
17 action supporting the punitive or exemplary damages claimed.

18 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

19 68. GE alleges that said complaint, and each cause of action therein, fails to state facts  
20 sufficient to warrant an award of punitive or exemplary damages against GE.

21 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

22 69. GE alleges that at all relevant times Decedents' employers were sophisticated  
23 users of asbestos-containing products, and that said employers were aware of the dangers, if any,  
24 of asbestos-containing products, and that said employers' negligence in providing the products to  
25 their employees in a negligent, careless and reckless manner was a superseding intervening cause  
26 of Decedents' injuries, if any.

27 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

28 70. GE alleges that at all relevant times Decedents were sophisticated users of

1 asbestos-containing products, that Decedents were aware, or should have been aware, of the  
 2 dangers, if any, of asbestos-containing products, and that the sophisticated user doctrine is a  
 3 complete bar to Plaintiffs' claims against GE as a matter of law. Johnson v. American Standard,  
 4 Inc., et al. (2005) 34 Cal.Rptr.3d 863.

#### 5 TWENTY-FOURTH AFFIRMATIVE DEFENSE

6 71. GE alleges that the "peculiar risk" doctrine is not applicable to the causes of  
 7 action attempted to be stated and set forth against this defendant, because the injuries and  
 8 damages complained of in the complaint, if any there were, arose in the course and scope of  
 9 Decedents' employment by an independent contractor.

#### 10 TWENTY-FIFTH AFFIRMATIVE DEFENSE

11 72. GE alleges that Plaintiffs are barred from recovery in that all products produced  
 12 by GE were in conformity with the existing state-of-the-art, and as a result, these products were  
 13 not defective in any manner.

#### 14 TWENTY-SIXTH AFFIRMATIVE DEFENSE

15 73. GE alleges that the causes of action, if any, attempted to be stated and set forth in  
 16 said complaint for negligence per se are barred by California Labor Code Section 6304.5, and  
 17 derivative authority.

#### 18 TWENTY-SEVENTH AFFIRMATIVE DEFENSE

19 74. GE alleges that Plaintiffs and/or Decedents failed to exercise due diligence to  
 20 mitigate their losses, injuries or damages, if any, and, accordingly, the amount of damages to  
 21 which Plaintiffs are entitled, if any, should be reduced by the amount of damages which  
 22 otherwise would have been mitigated.

#### 23 TWENTY-EIGHTH AFFIRMATIVE DEFENSE

24 75. GE alleges that it had no knowledge, either actual or constructive, and by the  
 25 application of reasonable, developed human skills and foresight had no reason to know of the  
 26 propensities, if any, of any product allegedly manufactured, supplied, applied and/or sold by GE  
 27 to cause or contribute to the creation of medical conditions or circumstances involving alleged

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1 injuries to the lungs, respiratory and cardiovascular systems, including cancer, mesothelioma, or  
2 any other illness or any type whatsoever.

3 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

4 76. GE alleges that the provisions of California Civil Code Section 1431.2 are  
5 applicable to the Complaint and each cause of action therein.

6 **THIRTIETH AFFIRMATIVE DEFENSE**

7 77. GE alleges that unforeseen and unforeseeable acts and omissions by others  
8 constitute a superseding, intervening cause of Plaintiffs' injuries, if any.

9 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

10 78. GE alleges that each of Plaintiffs' claims, and this entire action, are preempted by  
11 all applicable federal law relating to railroads, their equipment, and/or alleged injuries and  
12 damages arising therefrom, including but not limited to the Locomotive Boiler Inspection Act, 49  
13 U.S.C. sections 20701 et seq.

14 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

15 79. The matters alleged in said complaint are encompassed within and barred by a  
16 settlement and release agreement reached by the parties, which operates as a merger and bar  
17 against any further litigation on matters raised or potentially raised in connection with the  
18 settlement and release.

19 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

20 80. To the extent that Plaintiffs and/or Decedents have reached an accord with GE  
21 regarding this litigation and this accord was then properly satisfied, the claims, causes of action,  
22 and theories of liability asserted in said complaint are barred by the doctrine of accord and  
23 satisfaction.

24 **THIRTY-FOURTH AFFIRMATIVE DEFENSE**

25 81. To the extent that Plaintiffs and/or Decedents released, settled, entered into an  
26 accord and satisfaction, or otherwise compromised the claims herein, said claims are barred.

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DETERT, MORAN & ARNOLD, LLP

**Sedgwick**  
Detert, Moran & Arnold, LLP

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**THIRTY-FIFTH AFFIRMATIVE DEFENSE**

82. The claims asserted in said complaint have been settled, compromised or otherwise discharged and GE is due a set off.

**THIRTY-SIXTH AFFIRMATIVE DEFENSE**

83. To the extent that Plaintiffs and/or Decedents previously filed a dismissal in court dismissing with prejudice all of the asserted claims, causes of action , and other theories of liability against GE, the matters alleged in said complaint are barred by retraxit.

**THIRTY-SEVENTH AFFIRMATIVE DEFENSE**

84. Plaintiffs' claims herein are barred based on the primary right and res judicata doctrines which prohibit splitting a single cause of action into successive suits, and seeking new recovery for injuries for which the plaintiff was previously compensated by alleged joint tortfeasors.

**THIRTY-EIGHTH AFFIRMATIVE DEFENSE**

85. Defendant alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by applicable statutes of repose, including statutes of repose in other states that are applicable to this action pursuant to California Code of Civil Procedure section 361.

**THIRTY-NINTH AFFIRMATIVE DEFENSE**

86. GE alleges that the causes of action, if any, attempted to be stated and set forth in said complaint are barred by laches.

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**PRAYER**

WHEREFORE, GE prays that Plaintiffs take nothing by reason of their complaint as to GE and that GE has judgment for its costs of suit and attorneys' fees and for such other and further relief as this Court may deem just and proper.

DATED: February 19, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: \_\_\_\_\_/S/ Derek S. Johnson  
Derek S. Johnson  
Attorneys for Defendant  
GENERAL ELECTRIC COMPANY

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**JURY DEMAND**

GE hereby demands a trial by jury of the captioned matter.

DATED: February 15, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /S/ Derek S. Johnson  
Derek S. Johnson  
Attorneys for Defendant  
GENERAL ELECTRIC COMPANY

**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil Local Rule 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

DATED: February 15, 2008 SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: /S/ Derek S. Johnson  
Derek S. Johnson  
Attorneys for Defendant  
GENERAL ELECTRIC COMPANY

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